

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-7, 15-45, 58-72, 74-75, and 77-78 are currently pending. Claims 73 and 76 are hereby canceled. Claims 1, 15, 22, 34, 58 and 70 are independent. Claims 1, 15, 22, 34, 58, 70, 74, and 77 are hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed.

Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §103

Claims 1-7, 15-45, and 58-72 were rejected under 35 U.S.C. §103 as allegedly unpatentable over U.S. Patent No. 7,154,534 to Seki et al. (hereinafter, merely "Seki") in view of U.S. Patent Publication No. 2001/0040592 of Foreman et al. (hereinafter, merely "Foreman") and further in view of U.S. Patent No. 6,353,461 to Shore et al. (hereinafter, merely "Shore"); and

Claims 73-78 were rejected under 35 U.S.C. §103 as allegedly unpatentable over Seki, Forman, Shore, and further in view of U.S. Patent No. 6,546,187 to Miyazaki et al. (hereinafter, merely “Miyazaki”).

Applicant respectfully traverses these rejections.

Independent claim 1 is representative and recites, *inter alia*:

“automatically terminating recording video image data for a particular one of the plurality of video takes after a time period based on the timeline set in the template for the scene.”

In the invention as claimed in claim 1, the timeline for each scene is set in advance in the template. That is, each scene has a specified length of time for images in the scene. Publ. App. par. [0167]. The length of time for shooting images is detected from timeline information set in the scene setting data. The shooting of images for takes of the scene is **automatically terminated** based on the time from the timeline for shooting the scene. Publ. App. par. [0305].

This feature provides the advantage that the “video shooter need not pay special attention to the shooting period and may concentrate on the shooting operation, such as the state of the subject of shooting, and operations including a zoom and a pan.” Publ. App. par. [0306].

The Office Action in par. 5, at page 13, points to Miyazaki FIG. 17 for the above-recited element of claim 1. However, as discussed below, Miyazaki does not disclose the recording is **automatically terminated** after the preset time.

There is no disclosure in FIG. 17 of Miyazaki that image capture is automatically terminated. Indeed, the very title of FIG. 17 is “Continuous Capturing Subroutine.” Further,

FIG. 17 is a subroutine called from FIG. 15, the title FIG. 15 being “Continuous-Capturing Mode Sequence.” The implication clearly being that images are being captured on a continuous basis and not being terminated automatically after an amount of time in a template, as recited in claim 1 of the present application.

Moreover, FIG. 17 of Miyazaki is described in the specification at col. 14, line 51 to col. 15, line 7. At that location, Miyazaki states, in relevant part:

At S200 and S202, the continuous image-capturing is performed as described in a subroutine in FIG. 17. Specifically, an image is captured (S210), and the image data of one frame, which is obtained by the CCD imaging system 10, is stored in the main memory 40 (S212). Then, it is judged whether a preset time has elapsed or not (S214). The preset time is an interval at which the frames are captured continuously, and it is previously set on the screen of the LCD 46 in the continuous recording mode.

If the preset time has elapsed at S214, it is judged whether a preset number of frames have been captured or not (S216). The preset number is previously set on the screen on the LCD 46 in the continuous recording mode.

If the preset number of frames have not been captured yet, the procedure returns to S210 and S210-S216 are repeated. If it is judged at S216 that the preset number of frames have already been captured, the continuous image-capturing is completed and the procedure returns to the main routine in FIG. 15.

Applicant points out there is no suggestion of “automatically terminating recording video image data,” as recited in claim 1. Indeed, in Miyazaki, FIG. 17 is merely a subroutine for capturing continuous video images subject, as understood, to later special effects processing.

The above recited feature of claim 1 cannot be removed from the context of the claim. That is, claim 1 must be considered as a whole. Applicant is not attempting to claim ALL devices that time out and terminate a process. The present invention as claimed in claim 1 is

directed to using templates to aid in creating video content. In this regard, as stated above, the feature of “automatically terminating recording video image data . . . after a time period based on the timeline set in the template for the scene” provides the advantage that the “video shooter need not pay special attention to the shooting period and may concentrate on the shooting operation, such as the state of the subject of shooting, and operations including a zoom and a pan.” Publ. App. par. [0306]. This feature can be advantageous especially to, for example, novice videographers or other users who do not want to “watch the clock” on the template and would rather concentrate on creating their video art work.

Neither Seki, Foreman, nor Shore adds the element missing from Miyazaki.

For reasons similar or somewhat similar to those described above with regard to independent claim 1, independent claims 15, 22, 34, 58 and 70 are also believed to be patentable.

III. DEPENDENT CLAIMS

The other claims are dependent from one of the claims discussed above and are therefore believed patentable for at least the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

Claims 1-7, 15-45, 58-72, 74-75, and 77-78 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in

the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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